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EXAMINER

NGUYEN, THANH T

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/788,628
Filing Date: February 14, 2001
Appellant(s): GREER ET AL.

Jason T.Evans
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 6, 2008 appealing from the Office action mailed April 19, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,804,803	CRAGUN	09-1998
5,629,981	NERLIKAR	05-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun et al., (USPN 5,804,803 Date of Patent: September 8, 1998, herein referred to as Cragun).

5. As to claim 35, Cragun teaches the invention as claimed, including a method of accessing data, comprising: receiving bar code information encoding a UCC company identifier and a Uniform Code Council, (UCC) item identifier [see Cragun col.3, lines 58-61, customer identifier ID]; and constructing a Uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL comprises the UCC company identifier and the UCC item identifier constructed as at least a "www" (http) followed by at least the UCC company identifier 0JPC 310 or vummv.corp.com) and the UCC item identifier (CID) [see Cragun fig.3, 34567-89012http://peanut.food.corn/??CID??&??SIP??, col.7, lines 27-47].

6. As to claim 36, Cragun teaches the invention as claimed, wherein constructing the URL from the bar code comprises: appending the company identifier to www. [see fig.2, http: www/language=Spanish&CNAME]To construct the www.company identifier portion of

URL[http://peanut.food.com/??CID??&??SIP??,]; and appending the item identifier to "/" to construct the / "item identifier" portion of the URL [http:// peanut.food.com/??CID??&??SIP??, col.7, lines 27-47].

7. As to claim 37, Cragun, teaches the invention as claimed, wherein constructing the URL from the bar code comprises: prepending " www. "to the company identifier to construct the www. "company identifier" [see Cragun col.3, lines 58-61, customer identifier ID]; portion of the URL; and prepending "/" to the item identifier to construct the /" item identifier" portion of the URL [http://peanut.food.com/??CID??&??SIP??, col.7, lines 27-47].

8. As to claim 38, Cragun teaches the invention as claimed, further comprising: scanning a bar comprising at least a first portion encoding the UCC company identifier and a second portion encoding the UCC item identifier [see Cragun col.8, lines 6-38].

9. As to claim 39, Cragun, teaches the invention as claimed, further comprising: linking to the URL so that a manufacture's site is accessed, and accessing a portion of the manufacture's site pertaining to the identified product [http:// peanut.food.com/??CID??&??SIP??, col.7, lines 27-47].

10. As to claim 40, Cragun, teaches the invention as claimed, wherein linking to the URL comprises: calling the URL [see Cragun, col.8, lines 6-62, processing program 110 send the complete URL via wireless network device].

11. As to claim 41, Cragun, teaches the invention as claimed, wherein the linking the URL so that a manufacturer's site is accessed comprises: attempting to link to a plurality of sites, each site with a different domain name, until at least one of the linked sites responds so that information pertaining to the identified product is received [see Cragun, col.7, lines 15-67].

12. As to claim 42, Cragun, teaches the invention as claimed, further comprising: constructing the ".com" portion of the URL with a domain name, wherein the domain name comprises at least one selected from a group consisting of a ".net" domain name, a ".gov" domain name and a ".org" domain name [see Cragun, fig.2].

13. As to claim 43, Cragun, teaches the invention as claimed, further comprising: receiving at least information pertaining to the identified product from the accessed portion of the site pertaining to the identified product; and displaying the information pertaining to the identified product [see Cragun. Col.8, lines 45-62, when document requested by completed URL return to client computer and displayed on display screen].

14. As to claim 44, Cragun, teaches the invention as claimed, wherein receiving the bar code information comprises: receiving the bar code information at a point of sale [see Cragun, col.5, lines 53-67].

15. As to claim 45, Cragun, teaches the invention as claimed, wherein receiving the bar code information comprises: receiving UPC bar code information [see Cragun, col.7, lines 15- 26].

16. As to claim 46, Cragun, teaches the invention as claimed, wherein receiving the bar code information comprises: receiving EAN bar code information [see Cragun, fig.2].

17. As to claim 47, Cragun teaches the invention as claimed, wherein the bar code information comprises: receiving JAN bar code information [see Cragun, fig.3]. 18. As to claim 48, Cragun, teaches the invention as claimed, including a method of accessing data, comprising: receiving a Uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain and uses an item identifier to identify the item

of interest; and returning the information of interest to the a site that initiated the URL call [see Cragun, [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47].

18. As to claim 49, Cragun, teaches the invention as claimed, wherein the URL corresponds to a bar code with a UCC company identifier and a UCC item identifier [see Cragun, col.7, lines 15-67].

19. As to claim 50, Cragun teaches the invention as claimed, Cragun including a method of accessing data, comprising: receiving bar code information with at least a Uniform Code Council (UCC) company identifier (see fig.3 of Cragun UPC 310) and an item identifier (see fig.2 of Cragun CID 210); determining the UCC company identifier from the bar code information [see fig.3 of Cragun UPC convert to [hap:// peanut.food.com/](http://peanut.food.com/)]; and constructing a uniform resource locator (URL) with the UCC company identifier therein [see Cragun fig.3, 34567-89012 [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47].

20. As to claim 51, Cragun teaches the invention as claimed, wherein the UCC company identifier in the constructed URL is a domain name of a web site [see Cragun fig.3, 34567-89012<http://peanut.food.com/??CID??&??SIP??>, col.7, lines 27-47].

21. As to claim 52, Cragun teaches the invention as claimed, wherein the UCC company identifier in the constructed URL identifier a web site of a company associated with the UCC company identifier (see fig.3 of Cragun). 22. As to claim 53, Cragun teaches the invention as claimed, wherein constructing the URL having the UCC company identifier therein comprises: constructing the URL to identify a web site; and constructing the URL such that the UCC company identifier in the constructed URL identifier a location of the web site associated with the company (see fig.3 of Cragun).

23. As to claim 54, Cragun teaches the invention as claimed, further comprising: determining the item identifier from the bar code information; and constructing the URL with the item identifier therein, wherein the item identifier in constructed URL identifies a location of the web site describing the product associated with the item identifier (see Cragun fig.3,34567-89012<http://peanut.food.com/??CID??&??SIP??>, col.7, lines 27-47).

24. As to claim 55, Cragun teaches the invention as claimed, wherein the item identifier is assigned by the company (see fig.2 of Cragun).

25. As to claim 56, Cragun teaches the invention as claimed, wherein the item identifier assigned by the company is a UCC item identifier (see fig.2 of Cragun).

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 18, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun et al., (hereinafter Cragun) U.S. Patent No. 5,804,803 in view of Bvirupax M. Nerlikar., (hereinafter Nerlikar) U.S. Patent No. 5,629,981.

28. As to claim 18, Cragun discloses the invention substantially as claimed, Cragun teaches including a method of accessing data, comprising: reading containing data corresponding to a bar code, wherein the bar code comprises a first portion corresponding to a UCC company identifier and a second portion corresponding to a UCC item identifier [see Cragun fig.2, abbreviated form 220 to expanded form 230 to data-filled form 240, col.5, line 53 to col.6, line 20]; constructing a uniform resource locator (URL) from the data read from the corresponding to the bar code, wherein a portion of said URL comprises the Uniform Code Council (UCC) company identifier and the UCC item identifier [see Cragun fig.3, <http://vurnmv.corp.com/??language??>, col.6, lines 45 to 67]; calling the URL[see Cragun, col.8, lines 6-62, processing program 110 send the complete URL via wireless network device]; and displaying information associated with said URL [see Cragun. Col.8, lines 45-62, when document requested by completed URL return to client computer and displayed on display screen], and wherein said "company identifier" comprises a number assigned by the UCC and said "item identifier" [see Cragun col.3, lines 58-61, customer identifier ID] comprises a number assigned by a manufacturer [see Cragun fig.3, 34567-89012<http://peanut.food.com/??CID??&??SIP??>]. However, Cragun does not explicitly teach a radio frequency (RF) tag.

29. In the same field of endeavor, Nerlikar discloses (e.g.,...information management and security system). Nerlikar discloses RF tag [Nerlikar, see col.4, lines 15-31, and col.6, lines 9-19].

30. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Nerlikar's teachings of information management and

security system with the teachings of Cragun to have reading data from an RF tag because it would have provided The frequency of the waves transmitted by a specific radio station.

31. As to claim 31, Cragun teaches the invention as claimed, wherein displaying information associated with said URL comprises: displaying information of interest about an item associated with the item identifier [see Cragun col.3, lines 58-61, customer identifier ID], wherein the information of interest about the item resides in a user site accessed through the URL [see Cragun, fig.3, 34567-89012<http://peanut.food.com/??CID??&??SIP??>].

32. As to claim 32, Cragun teaches the invention as claimed, wherein the barcode corresponds to a universal product code (UPC) symbol [see Cragun hap:// peanut.food.com/??CID??&??SIP??].

33. As to claim 33, Cragun, teaches the invention as claimed, wherein the barcode corresponds to a European Article Numbering (EAN) symbol [see Cragun, fig.3]. 34. As to claim 34, Cragun, teaches the invention as claimed, wherein the barcode corresponds to a Japanese Article Numbering (JAN) symbol [see Cragun, fig.2].

(10) Response to Argument

--Appellant argues that Cragun does not teach "URL having a UCC company identifier".

--Examiner respectfully disagrees. Cragun teaches URL having a UCC company identifier as shown in [see Cragun fig.3, <http://vurnmv.corp.com/??language??>, col.6, lines 45 to 67].

--the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 18, 35, 48, and 50. Claims 31-34, 36-47, 49, and 51-56 are also rejected at

Art Unit: 2100

least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/T. N./

Thanh Tammy Nguyen

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